


## Public health and regulation in the management of human corpses in private funeral homes in Yucatán, Mexico

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### ABSTRACT

**Objective:** To analyze the problem of disposing of human corpses in private funeral homes in the state of Yucatán, Mexico. **Materials and Methods:** The study is based on the use of Legal Research Methodology through the analysis of the legal framework and institutional provisions that concern the treatment of human corpses. **Results:** It was found that the process of preparing and embalming human corpses is complex, due to the cultural burden present in the country and, therefore, in the different states of the Mexican Republic, where death has a deeply rooted space in social understanding. The process of preparing the body, in addition, contains a wide spectrum of derived problems, which involve other social actors, which are often not considered, but which go beyond the personnel who handle the bodies in hospitals or the Legal Medical Service. We are talking about private funeral service providers in charge of preparing bodies to carry out funeral ritual processes before burial or cremation.

**Keywords:** Access to public health, Social determinants of health, Public health policies, Socioeconomic inequality, Management of human corpses.

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## INTRODUCTION

To present the proposal, we start with the following question: Who guarantees that your body is treated ethically and professionally after death? This issue is often neglected for various reasons, in some cases it is related to the fear of death, in other cases it derives from the sociocultural taboo that evokes that, by eliminating the variable bodily animation, the conception of a person refers to transcendence.

Some religions may associate it with divine or spiritual elements, while other sectors of society often think of the completion of a cycle. However, intrinsically part of the development of societies throughout history, they show a tendency to treat the deceased with solemnity and respect, or at least to use specific methods for their management. Therefore, in some cultures, the dead are an important part of their worldview. In the case of the state of Yucatán, the identity trait is called *Hanal Pixan*. The deep-rooted celebration of this event (celebrated under the name *Day of the Dead* throughout the national territory) is indicative of the fact that Yucatecan society maintains an idea of social and cultural responsibility towards the dead. Therefore, the concern of families with the appropriate management of the bodies of their recently deceased is latent.

Although we are faced with explanations loaded with ideological elements related to the meaning of the corpse and the rituality that is imprinted on the treatment of the body from a social and cultural point of view, the reality is that before burial, or cremation; There are normative provisions that, from a legal perspective, seek to regulate/approve the treatment of the body, arising from the understanding that the correct disposal of corpses corresponds to a public health function.

Therefore, it is necessary to draw attention to the need to regulate and monitor the way the body is treated within private bodies that perform embalming services. However, it should be noted that the disposal of corpses does not represent the only problem within the equation, since the lack of training of the service provider and the lack of hygiene in workshops that are not properly regulated by the Ministry of Health confront us. with another question: who guarantees the embalmer that he will not contract some pathology as a result of the body manipulation process?

Although the answer may seem simple, the objective of this text is to present a public policy proposal aimed at the adequacy and regulation of private funeral services in Yucatán, since it is necessary to make visible the intricate problem generated by the commodification of death, especially in the population more vulnerable. who, as a result of their low income, are forced to hire funeral services which, because they offer low prices, 1) do not have adequate facilities for the correct treatment of bodies, 2) operate with personnel who are not trained in the professional and ethical handling of the bodies corpses, 3) put the worker at risk due to working conditions and 4) use, in some cases, water wells as a way of disposing of organic waste, such as blood and tissues, as well as toxic elements, polluting the water table and the environment in general.



## METHODOLOGY

The present work is in accordance with the methodology of legal research, which, although it has its origins in hermeneutics, in recent years has been discussed and analyzed by several researchers, including Martínez Zorrila, who highlights that "when we talk about legal methodology, we are fundamentally referring to the study and analysis of the procedure in order to determine what the legal answer is for the case we are examining (Martínez, 2010: 22, in Sánchez, 2011: 329). For the case presented below, we adapt to the so-called social legal research:

Bearing in mind that law is present in human societies, being an institution that arises within them, it is not uncommon for there to be research interested in seeing how legal norms work. This is why it seems appropriate to call this type of research *de facto*: legal-social. (Sánchez, 2011: 346)

## PROBLEM IDENTIFICATION AND DEFINITION

The dynamics that are carried out during the treatment of the human body have different social actors, which can increase according to the degree of complexity with which the problem is understood, however, for the purposes of this proposal we focus on three main actors: 1) deceased people, 2) funeral service workers and 3) the Ministry of Health. Is it valid to treat the deceased as a social actor? We consider this to be so, since, from a legal point of view, article 346 states that "corpses cannot be objects of property and will always be treated with respect, dignity and consideration" (General Health Law, 2023, p. 155) . How does the body work? It acts in relation to the legal burden conferred on it by a right, at the same time as the social and cultural burden of which it is part, and which is not eliminated by death.

Social actors	Risk
Deceased	Being treated inappropriately by private funeral service providers
Funeral Director	Being treated inappropriately by private funeral service providers
Ministry of Health	Non-compliance with provisions cool contained in the General Health Law : Art . 17 bis; Article 79; Art. 116; Art. 117; Art. 129; Art. 133; Art. 313; Art . 346, art. 348; Art. 349; Article 350; Art. 350 to 7; Article 375.

Source: Authors' own elaboration with information from the General Health Law

However, this diversity of actors presents in itself a problem sensitive to the social context, because, although we are facing a problem of a universal nature, considering that death does not discriminate according to economic situation, sex, gender and nationality, in reality there are a greater risk in social actors 1 (deceased person) and 2 (service provider) resulting from the fact that the condition of marginalization, education, economic situation and even a situation of indigenous vulnerability make the family members of actor 1 are forced to hire non-professional embalming



services, and actor 2 is forced to accept low-paying jobs without adequate training and with high health risks.

### Derived problem matrix

Problem		Derivatives		Risk by index population
		Qualitative Potential Risk	Quantifiable Potential Risk	
<b>General</b>	Lack of measures to regulate the responsible, professional and ethical disposal of human corpses in private funeral homes in the country. State of Yucatan	Yucatecan families resort to contracting unregulated mortuary services derived from their economic possibilities and their social and cultural needs to satisfy their spiritual and cultural needs.	In the case of Yucatán, the general population was estimated in the 2020 census at 2,320,898 inhabitants, of which 525,092 are of indigenous descent and 49.5% of the Yucatecan population is in poverty.	Contralto
<b>private 1</b>	Lack of professionalization and certification of personnel responsible for treatment of human corpses in private funeral homes in the state of Yucatán	One of the problems that arises from marginalization in the workplace is that jobs such as embalming are carried out by people who do not have any professional certification.	In Yucatán, the educational gap is 21.8%. The percentage of people with basic education and Higher secondary education is as follows: Elementary. 24.0%, Secondary 28.1%, High school 19.8%, Technical 2.23%	Low
<b>private 2</b>	Health problems among workers in private funeral homes in the State of Yucatán resulting from inadequate facilities and lack of training	Funeral service workers buy the They gain scientific and technical knowledge about the toxic substances used to process bodies and the damage they cause.	Embalming workers do not They are certified; therefore, they are not regulated and do not have any type of benefit. 24.7% of the population of Yucatán does not have access to health services. 44.4% of the population does not have access to social security.	Quite



<p><b>private 3</b></p>	<p>Lack of regulation of waste management and organic waste from human corpses and toxic substances from private funeral homes in the state of Yucatán</p>	<p>The type of soil in Yucatán, characterized by cavernous limestone and underground rivers that nourish cenotes, makes it easy for untreated waste dumped into groundwater to become a serious pollution and public health problem.</p>	<p>Derived from topographical soil characteristics and human activities, (Torres et al. 2014) through a quantitative methodology called DREATIC, They found that the risk of vulnerability to contamination in the state of Yucatán is 180 to 199 (High) in municipalities located south of the study area, 200 to 210 (Very High) in municipalities located in the center of the hydrogeological region of the Semicircle of Cenotes (SC) and a vulnerability index of 211 to 220 (Extreme) in the north of the SC region and in the coastal zone</p>	<p>Segregation from Top to End</p>
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Source: Prepared by the authors themselves with information from INEGI 2020; CONEVAL 2022; and Torres et al., 2014

### Root cause analysis

Visibility of the interrelationship of the problems that constitute the main problem is necessary to understand the causes and establish possible actions that contribute to their attention and resolution. We find causes that threaten public health and human rights, against decent working conditions and against the protection of the environment.

*General problem:* The inadequate handling of corpses by service providers is due to the commodification of a service with the potential for universal acquisition, which cannot be questioned by those who receive direct treatment. The execution of work within private funeral homes is practiced based on the transmission of knowledge in an informal and empirical way, and not the professionalization necessary to deal with human bodies. Likewise, the central cause lies in the fact that the government entity responsible for regulating this type of establishment is the Ministry of Finance and Public Credit and not the Ministry of Health, despite the latter stating in its article 349 that "The deposit and handling of corpses must be carried out in establishments that meet the sanitary conditions established by the Ministry of Health" (General Health Law, 2023, p. 156), Likewise, article 350 mentions that "The competent health authorities will exercise sanitary control over the people involved in the provision of funeral services. Likewise, they will verify whether the facilities in which the services are provided comply with the sanitary conditions required under the corresponding regulations" (General Health Law, 2023, p. 156) . Although the provisions of the law



above are part of the regulation, the reality is that funeral services are regulated in accordance with the determinations of the tax authorities and irregularities in their services are forwarded to the Federal Secretariat for Consumer Protection, where complaints related only to the Federal Consumer Protection Law, which addresses issues related to monetary issues and compliance with advertised services. Likewise, the abandonment of health control and visits that must be made as part of the verification must be identified as a cause, since there is a tendency to pay commissions to avoid visits, as well as a support network among the members of the association of funeral homes to maintain an information channel about control visits.

*Question 1:* The main causes that lead funeral services in private establishments to employ untrained people to carry out the work of treating human corpses arise from: 1) the lack of employment opportunities for people without formal education, who are forced to work in these establishments because they do not require any type of certification; However, this means that employers do not offer regulated conditions, generating a greater profit margin, to the detriment of labor exploitation. 2) The lack of attention, verification and monitoring of the provisions of the General Health Law is its article 79, which establishes that in order to carry out embalming work and its facilities, among other services related to health, "it is required that the corresponding diplomas have been legally issued and registered by the competent educational authorities" (Lei Geral de Saúde, 2023, p. 57). The recurrence of this situation has led private funeral homes to not see the need to professionalize their workers, as they are not verified or sanctioned.

*Problem 2:* The main causes of health problems for workers who work with human cadavers are 1) inadequate conditions of facilities that do not have the necessary instruments to support the bodies, leading to hernias, and 2) respiratory problems and poisoning due to disposal of toxic materials without knowledge or protection, which in some cases leads to cancer of the esophagus and other respiratory organs. This reflects a violation of the General Health Law, which, in its article 129, states that the Ministry of Health is responsible for "II determining the maximum permissible limits of exposure of a worker to pollutants, coordinating and carrying out toxicological studies in this regard, and III exercise, in conjunction with state governments, sanitary control over establishments in which occupational activities are carried out, to comply with the requirements that must be met in each case, in accordance with the provisions of the respective regulations" (General Health Law, 2023, p. 69-70).

*Theme 3:* The causes of a high risk of contamination of the aquifer in the state of Yucatán are due to the fact that there is no universal sewage network. The type of soil described in the table above indicates the need to dig septic tanks in the vast majority of establishments and domestic units, however, the cavernous soil and underground rivers lead to the use of wells in the establishments' backyards to dump waste, taking advantage of the internal currents and connections of cenotes



present in the Yucatecan soil. It should be noted that funeral waste is not only due to the blood that must be extracted from corpses and organ tissue remains, but also to elements and substances necessary for embalming processes, such as formaldehyde  $H_2C=O$ . It should be noted that this form of disposal of waste and substances is covered by article 116 of the General Health Law, which states that "The health authorities will establish the standards, take the measures and carry out the activities referred to in this Law that aim to protect health against the risks and damages arising from environmental conditions". Likewise, article 117 states that "The formulation and conduct of environmental sanitation policy is the responsibility of the Ministry of the Environment and Natural Resources, in coordination with the Ministry of Health, in relation to human health" (General Law of Saúde, 2023, p. 67).

### **Solution Selection**

Without a doubt, a solution to the problem of inappropriate handling of corpses is adherence to the provisions contained in the General Health Law. However, it is known that long-term solutions require more than good wishes and an alert for the completion of the work, That's why we believe that the way to solve the general problem posed is the creation of a professionalization and certification program for workers who work in private funeral homes. as a way of promoting the transmission of scientific knowledge suitable for work, which, in the medium term, will contribute to the technical professionalization of people who do not have formal education and who, therefore, have access to high-risk work, such as handling substances toxic substances and human corpses. In this way, instead of seeking the dismissal of people who are already working, but who, according to article 79 of the General Health Law, should not hold their position, what is intended is their professionalization through a program of technical education. It is believed that the technical and social knowledge acquired will greatly contribute to the gradual solution of the general problem and the problems mentioned above.

### **CONCLUSIONS**

As can be seen, the inadequate handling of corpses represents a social and public health problem. Among the main causes are: 1) the cultural aspects that motivate the ritualization of the corpse, 2) the economic aspects that motivate the commodification of death through funeral services and 3) the lack of understanding of the problem due to the lack of synergy between the public health issue and the provision of funeral services. Derived from the above, this article proposes an alternative that can contribute to the solution based on the convergence between adherence to the legal provision and the professionalization of educational reinforcement through certification from the perspective of human rights. However, the analysis of the problem using the legal research



methodology allows us to observe that the proposal has high viability due to the fact that the substantial elements are in force within the General Health Law, but the lack of interest on the part of the responsible authorities the union of efforts between the various departments that are related represents one of its greatest limitations.





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